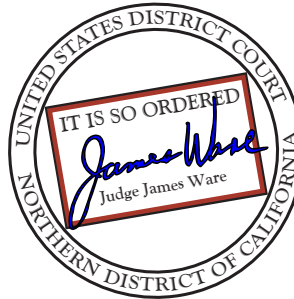


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 JAREK MOLSKI  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and )  
 DISABILITY RIGHTS ENFORCEMENT, )  
 EDUCATION SERVICES:HELPING )  
 YOU HELP OTHERS, a California public )  
 benefit corporation, )  
 Plaintiffs, )  
 v. )  
 MORGAN HILL 76; TOSCO )  
 CORPORATION, a Nevada corporation; )  
 and SATNAM PETROLEUM INC., a )  
 California corporation, dba MORGAN )  
 HILL 76, )  
 Defendants. )

CASE NO. C 04-1945 JW

STIPULATION OF DISMISSAL AND  
 [PROPOSED] ORDER THEREON

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”), each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through  
2 their designated counsel that the above-captioned action be and hereby is dismissed with  
3 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute  
5 one original document.

6 IT IS SO STIPULATED.

7  
8 DATED: October 10, 2005

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

9  
10 By: \_\_\_\_\_/s/\_\_\_\_\_  
Jessica A. Dayton  
11 Attorneys for Plaintiffs JAREK MOLSKI  
12 and DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION SERVICES: HELPING YOU HELP  
13 OTHERS

14 DATED: September 23, 2005

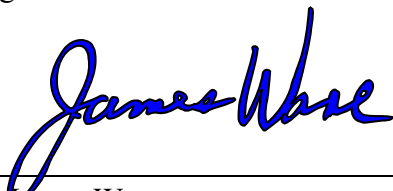
STEPHEN THOMAS ERB, APC

15 By: \_\_\_\_\_/s/\_\_\_\_\_  
Stephen Thomas Erb  
16 Attorney for Defendants TOSCO CORPORATION,  
17 and SATNAM PETROLEUM INC.

18 **ORDER**

19 IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to  
20 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for  
21 the purpose of enforcing the parties' Settlement Agreement and General Release should such  
22 enforcement be necessary.

23 Dated: 10/12/05, 2005

24   
\_\_\_\_\_  
Hon. James Ware  
25 United States District Court Judge  
26  
27  
28